

Message Text

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ORIGIN ACDA-10

INFO OCT-01 ARA-06 EUR-12 EA-07 IO-11 ISO-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

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OES-03 NRC-05 /109 R

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FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY BONN PRIORITY

AMEMBASSY BRASILIA

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY MOSCOW

AMEMBASSY TOKYO

C O N F I D E N T I A L STATE 042833

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA

SUBJECT: FRG-BRAZIL-IAEA TRILATERAL SAFEGUARDS AGREEMENT

REFERENCE: STATE 041782

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1.CONSISTENT WITH INSTRUCTIONS REFTEL RE FRG-BRAZIL-IAEA

TRILATERAL, MISSION MAY, IF APPROPRIATE, EXPLORE WITH FRG MISSION FOLLOWING POSSIBLE CLARIFICATIONS WITH THE UNDERSTANDING THAT WE WOULD LEAVE IT TO THE FRG TO DECIDE AS TO HOW AND WHEN THESE UNDERSTANDINGS WOULD BE COMMUNICATED TO US.

(A) THAT, IN THE DEFINITION OF "RELEVANT TECHNOLOGICAL INFORMATION", THE STATEMENT THAT IT INCLUDES INFORMATION "IN ALL FORMS" ENSURES THAT IT INCLUDES INFORMATION CONVEYED BY THE TRANSFER OF A FACILITY OR EQUIPMENT WHICH INCORPORATES SUCH TECHNOLOGY; AND THAT UNDER ARTICLE 3 OF THE AGREEMENT THE GERMANS WILL NOTIFY THE IAEA OF ANY SUCH TRANSFER.

(B) THAT THE EXCEPTION AT THE END OF THAT DEFINITION OF "TECHNOLOGICAL INFORMATION AVAILABLE TO THE PUBLIC" MEANS PUBLISHED INFORMATION, AND WOULD NOT HAVE THE EFFECT OF EXCLUDING FROM THE DEFINITION UNPUBLISHED INFORMATION ON THE DESIGN, CONSTRUCTION, OR OPERATION OF A JET NOZZLE ENRICHMENT FACILITY OR REPROCESSING PLANT.

(C) THAT THE DEFINITION OF "SPECIFIED MATERIAL" COVERS HEAVY WATER, SINCE IT IS ESPECIALLY PREPARED FOR THE USE OF NUCLEAR MATERIAL.

(D) THAT SINCE GERMAN CONSENT IS REQUIRED UNDER THE BILATERAL GERMAN-BRAZILIAN AGREEMENT TO ANY RETRANSFER OF RELEVANT TECHNOLOGICAL INFORMATION, AND ARTICLE 10 (3) OF THE TRILATERAL REQUIRES SAFEGUARDS ARRANGEMENTS IN THE EVENT OF SUCH RETRANSFER, THE GERMANS WILL NOTIFY THE IAEA OF ANY SUCH RETRANSFER.

(E) THAT IF AND WHEN A TRANSFER OF ENRICHMENT FACILITIES OR TECHNOLOGY TAKES PLACE UNDER THE AGREEMENT, THE FRG WILL TAKE APPROPRIATE SUPPLEMENTARY STEPS CONSONANT WITH THE RECOMMENDATIONS OF THE LONDON GUIDELINES ON LIMITING ENRICHMENT TO 20.

2. IF SUCH EXPLORATION IS UNDERTAKEN IT SHOULD BE MADE CLEAR THAT WHILE THE CLARIFICATIONS TO US ARE DESIRED, CONFIDENTIAL

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OUR POSITION ON HANDLING OF FRG-BRAZIL TRILATERAL AT BG MEETING IS AS DESCRIBED IN REFTEL WHICH THIS APPROACH IN NO WAY MODIFIES. MAW

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